

IMPLEMENTATION TEAM MEETING NOTES

April 15, 2004, 1:00 p.m.-4 p.m.

NATIONAL MARINE FISHERIES SERVICE OFFICES PORTLAND, OREGON

I. Greetings, Introductions and Review of the Agenda.

The April 15, 2004, meeting of the Implementation Team, was convened in response to an issue raised by the Technical Management Team regarding spring spill at the Lower Snake River collector dams. The meeting was held at the NOAA Fisheries offices in Portland, Oregon, was chaired by Jim Ruff of NOAA Fisheries and facilitated by Donna Silverberg. The meeting issue and a list of attendees are attached as Enclosures A and B.

The following is a distillation (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items. Silverberg welcomed everyone to the meeting, led a round of introductions and a review of the issue.

2. Spring Spill at the Lower Snake Collector Projects.

At its April 14 meeting, the Technical Management Team was unable to reach consensus on the spring spill program at the Lower Snake River collector dams. The following issue was elevated to the IT:

ISSUE: 1) Should the region rely on data and analysis from NOAA to make decisions about spring spill in the Lower Snake River to satisfy Action 51, 2000 FCRPS BiOp? 2) Do discussions in the Regional Forum, and the TMT specifically, meet the "COE & BPA, in coordination with NMFS through the annual planning process, shall identify and implement appropriate measures" requirements within Action 51?

Paul Wagner said that, at yesterday's TMT meeting, the group discussed the various BiOp provisions that guide operations in low-flow years: Action 40, which says that, in years

when the average spring-season flow at Lower Granite is less than 85 Kcfs, there will be no spill at the Lower Snake collector projects, and Action 51 covering the integration of new information into the in-season decision-making process. We have been discussing that new information through the Regional Forum process, primarily new results from transportation studies conducted throughout the season, Wagner explained. He provided a brief overview of these studies, which show that, for spring chinook, during the early part of the season, there is no biological benefit to transportation. The results from 2000 suggest a benefit for leaving fish in-river during the early part of the season.

NOAA's recommendation at TMT was that we should leave fish in the river and provide spring spill at Lower Granite, Little Goose and Lower Monumental up to the end of April, to spread-the-risk, Wagner said. After further discussion, NOAA revised its proposal to provide spill at Lower Granite and Little Goose through April 23, and to provide spill at Lower Monumental in order to conduct the planned research study on spill configuration – bulk spill vs. current BiOp spill.

Ruff noted that the relative timing of the chinook and steelhead migrations is also a factor in the changes to the NOAA Fisheries spill proposal; typically the later-migrating steelhead fare better under transport than chinook.

Suzanne Cooper read BiOp RPA 40, noting that its language is clear and unambiguous. She noted that, in the language associated with that RPA, the BiOp describes the potential for new information, and says any resulting changes in the transportation program will be formalized through a consultation process. Cooper asked what NOAA Fisheries had envisioned in terms of an appropriate process for modifying the BiOp actions. Ruff replied that this issue also arose last year, when flows were very close to 85 Kcfs, but increasing. We then received the draft technical memo that was developed in December by the NMFS Science Center, he said; we expected this issue would be explicitly addressed in the remand process, which was originally scheduled to be completed by April 1. Earlier this year, the runoff and flow forecasts indicated no problem meeting the 85 Kcfs spring flow target in the Snake River, but since then, the forecast has deteriorated very rapidly. We still believe, based on the adult return information from the transportation studies, that early-season migrants fare better in river, Ruff said. The annual implementation planning process provides for the development of a spring/summer update to the annual WMP; changes in operations are typically dealt with through that annual planning process. We won't let what happened this year happen again, said Ruff; we didn't think this was going to become an issue this year, and we could also address it through the BiOp remand process.

The Corps' perception was that the jury is still out on what the spring transport research tells us, said Jim Athearn – we have some additional information coming in soon, and would like a chance to take a look at it. Ruff replied that the Science Center will be providing a revised "Effects" technical memo soon. Bill Hevlin noted that NOAA Fisheries had brought a proposal to TMT about three weeks ago advocating against the start of early transport operations – we were advocating that we should use a 9.5-degree C water temperature trigger point to start spring transportation, he said. Water temperatures at Lower Granite are currently running about 11

degrees C, Athearn noted, so for what it's worth, that point of the season is already past. Wagner said the salmon managers had discussed NOAA's suggested temperature threshold, but that they had concluded that there are actually two separate questions – what to do with the fish in river once that temperature threshold is reached, and what to do with the fish that are collected.

As we continue to gather new information on transportation, it's leading NOAA Fisheries and others to question how we've handled that program in the past, Ruff observed – perhaps we need to make a more formal proposal as to what that revised operation should be. I just want to be sure I get an answer to my question about RPA 40, as far as any changes to the BiOp operation being made through a consultation framework, Cooper said. I thought we had addressed that question, Ruff replied – the way the runoff forecast occurred this year, we did not anticipate Action 40 kicking in in 2004. I guess I'm just asking for a response on the process question – what did NOAA Fisheries envision, at the time the BiOp was written, in terms of a consultation process? Cooper asked.

Wagner replied that at the end of the 2003 season, the TMT identified a number of ongoing operational issues that needed some further discussion in order to avoid just this kind of situation. The 85 Kcfs spill/transport trigger was one of those issues, he said, but with the revised 2000 BiOp for the remand supposedly coming by April 1, that issue lost urgency. The plan was that the agency that wanted to go in a different direction based on new information would develop a proposal, share information through the annual implementation planning process, and come to a regional consensus, hopefully, Wagner said. But does “consultation” have its formal meaning in this case? Cooper asked. I don't think so, Ruff replied – rather than a formal sovereign-to-sovereign consultation, we envisioned that we would coordinate with the action agencies to ensure that any operational changes would be vetted through the 1- and 5-year implementation planning process, including regional review and comment.

The group devoted a few minutes of discussion to the appropriate process for making changes to the BiOp RPAs. Ultimately, Silverberg observed that, whatever process was originally envisioned, the fact is that there are two projects spilling, and the question is, what do we do now?

Rob Lothrop said that, for as long as he has been involved in annual and in-season management issues, there has been a tension between the two. I don't think we'll ever be able to perfectly resolve what is an in-season issue and what is resolved through the annual implementation planning process, he said. Lothrop noted that CRITFC had raised the spill trigger issue in its comments on the 2004 Water Management Plan, but their comments were ignored by the Federal action agencies. The annual planning process is not as transparent to those of us who comment as it is to the action agencies that develop the plan, he observed. As I've said before, said Lothrop, I think we do need to get ahead of some of these issues that seem to come up on an annual basis. I agree with you that, ideally, under the BiOp, we would have planned ahead for this operational change, Cooper said.

Bill Tweit said that, while he agrees that the region needs to do a better job on pre-season planning, funding and manpower concerns sometimes make that difficult. That said, said Tweit,

we still need to move forward. We have some information that this change in operation could improve survival for spring chinook, and while we all want to obey the BiOp, we also have an obligation to improve survival when we have the opportunity. We recognize that this may have taken BPA by surprise, and that is unfortunate, but we have heard that NOAA is cognizant of that situation, and we hopefully will avoid such a situation in the future. Tweit said the State of Washington supports spill at Lower Monumental to allow the planned bulk spill research to go forward, and also supports spill at Lower Granite and Little Goose, at least until the early part of the chinook run is passed.

Ruff noted that, in recent research information, under lower flow and tailwater conditions, typical BiOp spill across the entire spillway at Lower Monumental has shown a trend toward lower survival rates. That's why we're evaluating bulk spill to improve survival, he said. But the test wasn't designed for these low-flow conditions, was it? Jim Litchfield asked. Yes, it was, Bill Hevlin replied – these are precisely the flow conditions under which we wanted to test bulk spill survival.

I see two issues, said Ruff: one is the Lower Monumental spill study – what does it look like, how long should it last? The second question is immediate passage conditions for the early-season migrants – when should spill begin at Lower Monumental, and how long should it continue at all three Snake collector projects?

Before we get to those issues, there are two other issues we need to agree on: Issues 1 and 2 in the “Issue Elevated From TMT to IT” document, said Athearn. My sense is that we do have agreement, he said, but I want to check. Athearn said that, in his view, those questions have been answered in the affirmative. Cooper said that, based on what she has heard at today's meeting, the answer to Issue 1 is no.

Litchfield drew the group's attention to the graphical information presented in the Science Center's white paper, noting that the interpretation of this information is key to making this decision. He said that, to him, the case has not yet been conclusively made that early-season migrants are better off in-river than they are being transported. To me, he said, this data raises a big question mark about which transportation strategy would provide the biggest benefit to early-migrating chinook.

Jim Yost said the State of Idaho recommends that spill continue at Lower Granite and Little Goose dams until April 23, and during the next week, the region should consider whether spill should be provided in support of the planned Lower Monumental bulk spill/BiOp spill study. Idaho would probably support that test if water conditions are favorable, Yost said, adding, however, that Idaho probably will not support spill at any other time this year. You're suggesting that we use the next week to sort through what that Lower Monumental test might look like, and then go forward? Silverberg asked. Correct, Yost replied. And that's essentially Washington's position as well? Silverberg asked. Basically, although I'm not sold on the April 23 date for the end of spill, Tweit replied. He requested some additional clarification about how to interpret Figures 1 and 2 in the SOR 2004-3 justification; Wagner replied that Figure 1 is intended to illustrate when steelhead begin to predominate at Lower Granite. That's the basis for

the proposed April 22-23 date at which spill should stop, Silverberg explained.

Hevlin said the researchers at Lower Monumental have told him that they need 30 days to conduct the study, including two to three weeks of spill in a bulk spill/no spill treatments. To test bulk spill vs. BiOp spill, they will need 30 days of spill, he said. Howard Schaller observed that the purpose of the study is to look at bulk spill vs. BiOp spill, not bulk spill vs. no spill.

Tony Nigro said the State of Oregon's position is that, although the 2000 BiOp may or may not obligate the action agencies to implement SOR 2004-3, it doesn't prevent them from implementing it. Oregon supports the implementation of this SOR, consistent with a cautious approach to the listed species the BiOp is intended to protect.

Cooper noted that there seem to be two issues here: first, what should we do for the fish, and second, what should we do to support the planned research? If you interpret the biological information as NOAA has interpreted it, you would place a higher priority on keeping fish in the river until the point steelhead begin to predominate, she said. That's correct, Ruff replied. But if the interpretation of this information is that, at some point, it becomes better to transport the fish than leave them in-river, how do you reconcile that with the need for continued spill at Lower Monumental? Cooper asked. We are also interested in what the spill test can tell us this week, Ruff replied; the soonest it can begin is the last week in April. That means you would be spilling at Lower Monumental through the end of May. We would be comfortable with ending spill at Lower Granite and Little Goose on April 23, and collecting and transporting every fish we can from that point onward, said Ruff – between the two projects, we can probably collect 95% of the fish, mostly steelhead, coming down the river.

Another question is whether it is even feasible to conduct the planned Lower Monumental spill test for 30 days, said Ruff. From BPA's perspective, it isn't, Cooper replied. She quoted RPA 83 in support of BPA's position. We think that, in a water year like this one, it is pertinent to consider the cost to BPA, and we're not able to support 30 days of spill at Lower Monumental in 2004, Cooper said. How long could a study last, from BPA's perspective? Ruff asked – how long are you willing to spill at Lower Monumental, given the \$1.7 million that has already been committed to do the study this year? After a few minutes of discussion, Cooper said Bonneville might be willing to provide up to 21 days of spill at Lower Monumental this spring.

Athearn said that, when this study was coordinated through SRWG, no one envisioned less than a 30-day study – in the future, we will be including such low runoff contingencies in our planning, he said. With respect to what kind of a spill study might go forward in 2004, in the absence of 30 days of spill, the researchers have suggested that they could study bulk spill vs. no spill, which would require half as much spill at Lower Monumental. The Corps is also very interested in studying survival through the powerhouse, Athearn said, which would require a no spill condition. We can ask the SRWG to conduct a peer review of such a revised study plan by early next week, he added.

After a few minutes of additional discussion, Silverberg asked whether there is support for, or opposition to, the alternative bulk spill/no spill research concept at Lower Monumental in

2004. Schaller said that, in his view, the bulk spill/no spill study would not answer the questions the study was originally designed to answer, so either way, if the revised study goes forward, the money invested to date will be wasted unless the bulk spill/BiOp spill study goes forward. Marvin Shuttles of the Corps replied that, in his view, the revised study would satisfy at least some of the original study objectives.

From NOAA's perspective, said Ruff, we would prefer to get the information from the full spill study. However, given runoff and water conditions and action agency concerns, we'd agree to have the SRWG take a look at Option 2 (bulk spill/no spill), said Ruff. We are also interested in seeing some spill for fish passage at Lower Monumental beginning some time next week, he said. We will still need to be sure that the bulk spill/BiOp spill test is implemented in a future year, said Ruff, even if it means we have to pay for it again, because we need that information. In response to a question from Cooper, Ruff said that, prior to the start of the spill test at Lower Monumental on April 27, the 21 days of spill at that project should start as soon as possible. If 15 days of spill are needed for the study, that means about a week of spill should be available prior to the start of the test, Ruff said.

Bob Heinith said that, from CRITFC's perspective, the Lower Monumental spill test should go forward as planned for the full 30 days. Litchfield said the State of Montana has no strong opinion on this matter, but that there may be room for compromise. If we were to go ahead with the revised Lower Monumental spill study, a compromise might be to stop spill at Little Goose and Lower Granite this Friday, a week early, which would offset the cost of the 15-day spill experiment (bulk spill/no spill) at Lower Monumental, he said.

Silverberg summarized the various positions that have been put forward as follows: Oregon has asked that SOR 2004-3 be implemented as written; Idaho recommends spill until April 23 at Lower Granite and Little Goose, plus the Lower Monumental spill study; Washington said conduct the bulk spill/no spill research at Lower Monumental for 30 days and spill at Lower Granite and Little Goose until April 30, with some spill prior to the test at Lower Monumental. Schaller said that, from the Fish and Wildlife Service perspective, SOR 2004-3 should be implemented as written, and the planned bulk spill/BiOp spill research should go forward at Lower Monumental. Heinith clarified that CRITFC's view is that SOR 2004-3 should be implemented as written.

I'm happy to report that there is absolutely no consensus here, Silverberg said. Given that fact, she said, is there a desire to elevate this issue to the Regional Executives?

So we have heard continued spill at Lower Granite and Little Goose through either April 23 or April 30, said Athearn, and we have heard two potential research operations at Lower Monumental -- bulk spill/BiOp spill and bulk spill/no spill. The BiOp doesn't offer a prescription for spill under this kind of a flow forecast, he said. Another question is when to start spill at Lower Monumental, he said -- tonight, or some time next week? He asked whether there are any objections to convening a special SRWG meeting to discuss the Lower Monumental spill research question; no objections were raised, and Marvin Shuttles said he will convene such a conference call early next week and as soon as the alternative study parameters

are articulated.

And what is limiting our ability to provide spill at Lower Monumental? Margaret Filardo asked. We asked whether the priority was spill for fish passage or spill for research, and heard that spill for research was the higher priority, Cooper replied. That doesn't really answer my question, Filardo said. When BPA plans its revenue projections, we assume, under RPA 40, that under lower-flow conditions, we will not be spilling, said Cooper – we did not plan for this. When we set rates, added Rick Pendergrass, we model the BiOp operation explicitly, and we assume that when average spring flows in the Snake are below 85 Kcfs, we will not have to spill. It has to do with BPA revenue requirements, Pendergrass explained. Schaller said he doesn't necessarily agree with Cooper's interpretation of today's discussion that spill for the study is more important than spill for fish passage.

So where do we go from here? Silverberg asked. It was agreed that the Corps will send the revised study option to SRWG to see what can be accomplished at Lower Monumental this spring. The Corps will also consider the question of what it intends to do as far as starting and stopping spill at Lower Granite, Little Goose or Lower Monumental, said Athearn; he added that he will be meeting with Corps executives at 3 p.m. today. The Corps will send out an email tomorrow morning informing the region of its decision on spill for fish passage; the spill for the Lower Monumental test will be decided once the SRWG has a chance to discuss that issue. Athearn said that, in any case, he does not anticipate ending spill at Lower Granite or Little Goose before April 23.

Lothrop requested that Bonneville put its financial justification for the decision to curtail spill at the Lower Snake collector projects in 2004 in writing. Cooper replied that the documentation of the hydro studies used to plan BPA's financial studies in support of the rate case has been made available. You'll need to contact a rates person if you need further information, she said. In response to another question, Cooper said the value of the water spilled under BiOp operations at Lower Granite, Little Goose and Lower Monumental during the spring is \$400,000 per day. In response to another question, Cooper reiterated that, given the current water supply and flow forecast, under the BiOp, Bonneville is not required to spill at all at the Lower Snake collector projects in 2004, and the Lower Monumental study would not proceed – to do so would be an unexpected cost, she said.

We will look for an email from the Corps tomorrow, said Silverberg, and will decide where to go from there. With that, the meeting was adjourned.